THE EXAMINER.

No. 259 SUNDAY, DEC. 13, 1812.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 250.

TRIAL OF THE EXAMINER.

Our readers have seen the result of last Wednesday's trial, and whether they had or had not seen it, they had long ago, we doubt not, made up their minds as to the real merits of the case, and fully prepared themselves to make the proper distinction between mere want of success and the triumph of deserving it. They may be curious however (and others who are not in common our readers, may be more curious) to know our own present thoughts of the matter; and we are equally willing to gratify them,—if the word *gratify* may be used with regard to the latter as well as former description of persons.

And in the first place, it is impossible not to admire the frankness,—the benevolence,—the generosity,—the whole explicit and beautiful soul, with which the pleadings were opened by Sir W. Gannow. It is customary on occasions, which excite great indignation or appearance of indignation in the Counsel for the Prosecution, to state the grounds of his proceeding, to shew that it was undertaken with proper feelings and after a just consideration, and above all, to vindicate the character of the party complaining, and to apprise the Jury that nothing short of an attack on it's well-known virtues and on that fair moral fame, which is the very strength as well as ornament of society, could have induced an appeal to his countrymen. This custom however is waived by Sir William, and out of pure generosity, it seems, *to us!* The obnoxious passage is read to the Court, and then instead of the usual speech as just mentioned, he tells the Jury that "if the bare reading of the publication itself does not convince every cool, dispassionate, sensible, honourable, and honest man, that it is an atrocious and diabolical libel, he is *anxious* that *no subtilty of reasoning* shall be used to convince them that it is so."—After repeating two more ifs of the same ingenuous complexion, he expresses his wonder at what his Honourable and *Eloquent* Friend on the other side can have to say in defence of such a libel, hopes that it will not be *what he has heard out of doors*, and finally, out of mere astonishment no doubt, or from a horror of injuring the delicacy of his cause, by "subtilty of reasoning," announces his intention of *reserving* himself for the reply! Poor Sir William! He has not been accustomed to be so dumb and so bashful—so gapingly at a loss—so full of self-denial in his subtilties, when an ordinary culprit was before him—when he has confounded the daringe of the vulgar, and the simplicities of the innocent—when he has made the subtilest of horse-jockies change colour and stroke down the hair on his forehead, or poured all the brazen glories of his cross-examination on the blushing and weeping countenance of a poor girl. But let him stand aside, as he wishes. We all know what he means when he professes that he *would* not enter into a reasoning on the subject; he means, in the first place, that he *could* not—and in the second, that he would much rather have had nothing to do with it. He may contradict this if he pleases:—he may contradict, also, if he pleases, what is credibly reported, that himself, and another person in Court, advised against these proceedings to the very last moment, to the very night before they took place; but we owe him some gratitude for the figure he cut on the trial, and give him the choice of being silent. His disinclination in the one case, and his earnest advice in the other, may increase the pity one feels for him.

Mr. BROUGHAM, in rising to speak for us, deprecated all intention of resorting to the line of defence that had been rumoured, and he proceeded accordingly, as the Reader will have observed, to comment upon the obnoxious passages, chiefly as contrasted with the disgusting panegyric that had more immediately called them forth. This contrast, and the impulse under which it was evidently and actually made, formed the main ground of his defence; and if he felt himself obliged, as a Lawyer, to explain away some of the passages by divesting them of their particular application, he put others home to their object, and gave himself up to his eloquence and his indignation, as a man. Professional people are principally delighted with the skilfulness of his management, with the sharpness and security of his irony, with the concealed attainment of his grounds, and with his maintenance of them when attained, in spite of all attempts to dislodge him:—we also admire his skill and his steadiness, in the latter of which qualities the Bar is so lamentably deficient; we take an equal delight in his figures of speech; but our favourite passages are in the latter half of the defence, especially towards the conclusion. We like them best, not merely because they spoke finest, but because they spoke plainest, and because they put the question at once upon those high and broad grounds, which, whatever may be the case with the eye of the Law, are the only true ones in that of Justice. At the same time, we know the difference between a pure, philosophical appeal, upon first principles and universal truths, to the hearts and understandings of the community,—and the glosses and shifts which appear to be forced upon legal Advocates by the present indefinite nature of libel, and what is called the Practice of the Courts: neither have we the remotest idea, that by confining himself to such an appeal, even if he had

been allowed to make it, our Advocate would have procured a different verdict. *Special Juries* of a certain intermixture, as our Prosecutors well knew when they put off our Trial to wait for them, are not very liable to the impressions of ordinary men; and to borrow the conclusive style of our friend the Solicitor General, we are quite convinced that if the accused passage itself, under all the circumstances and with all that was to be said of both parties, did not carry with it its own *truth* and its own vindication, nothing that could be urged in it's favour could profit it.—And here we must not forget to say a particular word or two respecting that "line of defence," at which the Solicitor General expressed such anticipating alarm. It alluded, we suppose, to the circumstances existing between the Prince and Princess, and to certain publications affecting them: but there was no intention of bringing them forward on this occasion. The dignity of our cause (we repeat this phrase with more than ordinary consciousness in the present instance)—the dignity of our cause forbade our making use of them, to say nothing of considerations of personal delicacy in one quarter, which it does not become us to explain. But this we beg the reader to understand, —that had we chosen to make an interested use of what was known of these matters, we do most assuredly believe that our Trial would never have taken place; and not only so, but we beg him to understand further, that should we *now* chuse to make use of them for such purpose, or for any other purposes than those of *national information*, of *historical record*, and of a zeal that becomes us as men and as Englishmen in behalf of the *Mother of our future Queen*, we do as most assuredly believe, that he would never hear of our being brought up for judgment. The poor creatures, who have gained what they will call a victory over us, may affect to smile at these assertions; but from expressions which have already escaped us, we believe they know better; and whether they do or not, they will change their countenance some day or other, if the task of exposing them should still be ours. In the mean time, it is sufficient for us that our assertions are known to be true by others, and that as we have done nothing unworthy to bring down upon us the hand of the law, so we have done nothing, even of doubtful worthiness, to arrest it. It strikes us as it found us,—upright and unappalled.

But we are getting out of the course of our legal criticism.—Sir William Garrow, it will be recollected, professed to reserve himself for a reply,—in case any reply should be necessary. It does not appear however that he found it so, unless indeed we are to give the name of reply to one or two miserable, common-place observations upon the Prince's behaviour to the Catholics. But the passage alluding to the Prince's "violation of his word," with respect to the Catholics, was only one out of many; and Sir William does not venture upon the rest. Yet at the very moment that he declares it to be unnecessary, and says that the passages are not charged as *truths*, he tells the Jury that they are "not truths." The Information—and we beg the reader to remark the omission—did certainly take care to say nothing about true or false; but the Solicitor General himself could not help feeling what would be the general sense of this omission, and therefore he undertakes, by a sudden exertion of hardihood, to say flatly and at once, that the passages are "*not* truths." To take then the word of Sir William Garrow, the Prince Regent is the very reverse of all that we have described him to be; and it becomes us to make the recantation accordingly:—he is *not* the subject of shrugs and reproaches—he has *not* named a wretched Foreigner his Historical Painter, in disparagement or in ignorance of the merits of his own countrymen—he has *not* passed by our deserving Writers—he is *not* the disappointer of hopes—he is *not* the violater of his word—he is *not* the despiser of domestic ties—and lastly, he is *not* fifty years old, nor is he of a corpulent habit: no—he is none of all this; he is, on the contrary, the subject of universal praise—he treats with contempt wretched Foreign Painters, and patronizes our own excellent ones, all round the Academy and the Institution: he has graciously expressed his princely acknowledgments to our Poets and Prose-writers, to the Campbells, the Dugald Stewarts, the Edgeworths: he has answered the hopes and expectations of all the world—he has kept his word with the Irish—he lives with his wife—he is little advanced in years, young, indeed, rather than otherwise; and, in one word, he is thin. Sir William, we hope, is now satisfied, and will perhaps consent to spare a description of himself upon similar grounds: it would be too much for him; the load of panegyric would stifle him with flowers.

But that *Charge of Charges*,—my Lord Ellenborough's! Before the Editor had seen it in print, he had thought of saying little or nothing about it, if he could avoid the task. A mistake in last Sunday's letter, which the reader will see explained in the last page, had made him willing, for his own sake, to be as delicate as possible towards his Lordship; but the nature of this Charge, which has at least *astonished* every body, forces him upon analysing it, and he will do so at large next week, when the reader will have the whole of the original to accompany his perusal of the comment. For the present, we merely recommend to his quiet and unbiassed reflection the three following points in a Speech coming from an English Seat of Justice:—1st. That as it is necessary, for the welfare of the State, that a high opinion should be held of the person at the head of the Government, it becomes us to say nothing about his vices however gross,—the *mention* of them, of course, being the destroyer of that opinion, the *vices themselves* nothing;—2d. That the person, of whom we are to entertain this high opinion in spite of all his own efforts to the contrary, is to be supposed to have done a proper thing, and to have made a just discrimination between what is *venial* in crime, and what is not, when on his immediate attainment of power, and out of the whole multitude of English Nobility, he beckons to his throne a *grey-headed* adulterer, universally despised;—3d and last, That the bad examples and

appointments of *one Court* are to be excused by those of a *former*.

Of the verdict little need be said, except that we were fully prepared for it the moment we heard of what the Jury was composed, and of the *threatened fine* that had brought it together. We could have been better pleased with a different one; but even this will have done it's good on our own side of the question, and have taught the Court how much it has to fear from the voice of public virtue, when the very bitterest and plainest tones of reproof could not produce an instant agreement in it's favour from a Special Jury itself. Our Prosecutors will expect us to be exceedingly downcast at the event; but we cannot oblige them by saying we are: indeed, after a sickness which luckily attacked us when we had no idea of going to prison, we have latterly been getting much better both in health and spirits, and are doing so at this moment, as our friends can bear witness, who would have reason to despise us, if we said what was not precisely the truth.—We should be happy to give any real comfort to men who have taken pains to expose themselves; but really, not having been guilty of any of the actions that make people unable to bear adversity,—not having forsaken our wives, for instance, nor ruined our friends, nor made common cause with the vicious, nor otherwise rendered ourselves contemptible, we cannot consent to be more uncomfortable than the ordinary casualties of sickness or worldly trouble may render us. If one of us has latterly lived in retirement, and both of us much to ourselves, yet we have had our knowledge of the world and our share of affliction; and we have learnt from both, that there is absolutely nothing worth having in this life that is to be bought with the loss of one's own esteem and of the consciousness of right. The waters of adversity, we trust, have strengthened while they ran over us; and if we emerge only to be assailed with the sharpness of new winds, the warm spirit within us, thank HEAVEN, performs its duty, and we glow, healthfully and afresh, against the encounter.

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THE PRINCE OF WALES *v.* THE EXAMINER.

[*TAKEN IN SHORT HAND BY MR. JENKINS.*]

COURT OF KING'S BENCH.

Wednesday, Dec. 9.

Before Lord Ellenborough, and the following

SPECIAL JURY:—

John Bond, Church-street, Stoke Newington, Esq.
Samuel Sharwood, Charter-House square, Esq.
Joseph Watson, Portland street, Esq.
John Wilson, Devonshire-street, Cavendish-square, Esq.—(*Situation under Government*).
Daniel Garratt, Gower-street, Esq.—(*Situation under Government.*)
J. Kay, Bedford-street, Bedford-square, Esq.—(*Situation under Government.*)
Thomas Sumpter, Thornhaugh-street, Esq.—(*Situation under Government.*)
John L. Blackmore, Holles-street, Cavendish-square, Esq.
(*Employed by the Government Offices.*)
Joseph Brown, Thornhaugh-street, Esq.
Alexander Gibbons, Alfred-place, Esq.
J. Booth, Devonshire-street, Queen-square, Esq.
Samuel Jones, Queen-square, Esq.

PROSECUTOR'S CHARGE.

Mr. RICHARDSON opened the pleadings, stating, that this was an information filed by his Majesty's Attorney General against the defendants, John and Leigh Hunt:—that it charged, that they, with intention to traduce and vilify his Royal Highness the Prince of Wales, Regent of the United Kingdom, and to bring his Royal Highness into hatred, contempt, and disgrace, on the 22d of March, in the 52d year of the King, published a libel against the Prince Regent, in the following words:—

"*What person, unacquainted with the true state of the case, would imagine, in reading these astounding eulogies, that this* Glory of the People *was the subject of millions of shrugs and reproaches! That this* Protector of the Arts *had named a wretched Foreigner his Historical Painter in disparagement or in ignorance of the merits of his own countrymen! That this* Mecænas of the Age *patronized not a single deserving writer! That this* Breather of Eloquence *could not say a few decent, extempore words,—if we are to judge at least from what he said to his regiment on its embarkation for Portugal! That this* Conqueror of Hearts *was the disappointer of hopes! That this* Exciter of Desire *(bravo, Messieurs of the* Post*!) this* Adonis in Loveliness, *was a corpulent gentleman of fifty! In short, that this* delightful, blissful, wise, pleasurable, honourable, virtuous, true, *and* immortal PRINCE, *was a violator of his word, a libertine over head and ears in debt and disgrace, a despiser of domestic ties, the companion of gamblers and demireps, a man who has just closed half a century without one single claim on the gratitude of his country or the respect of posterity!*"

To which the defendants have pleaded not guilty, upon which issue is joined.

Mr. SOLICITOR GENERAL.—May it please your Lordship,—Gentlemen of the Jury,—It becomes the duty of my office to present, for your consideration, the libel which has just been read. My Learned Friend, Mr. Richardson, has informed you, that it comes before you in the shape of an information filed by his Majesty's late Attorney General. I requested that my Learned Friend would do that which is not always done by those who open pleadings—that he should read the libel as stated on the Record; and my reason for that request was, a conviction, that if the bare reading of it did not convince every dispassionate, cool, thinking, honourable, or honest man, that it is an atrocious libel on his Royal Highness the Prince of Wales, no man ought to be convicted for publishing it, on any subtilty of reasoning—or any weight of argument—or, on any thing that can be addressed by an Advocate to a Jury, that a Court of Justice ought to receive such a construction; if such language were applied to any private individual, with whom you are acquainted, and it were presented to you of such an individual, and you felt that it had not for its object a tendency to traduce and vilify that individual, and to bring him into contempt with all those with whom he was acquainted, or by any of those by whom his character was likely to be known, and to bring that individual to the lowest point of degradation. For, if you did not so consider it, I should be content that you should consider it as no libel against his Royal Highness. But, if looking at it dispassionately, and judging of this case upon the bare reading of the words charged in this information to be libellous, and looking at them as Jurors, under the solemn sanc-

tion of the oath which you have taken, to discharge, faithfully, your present important duty—of course, without considering any thing that you may have seen, or heard, on the subject of this cause, before you came this day into this place;—if, as honest men, laying your hands upon your hearts, you feel that you are bound to say they have such a tendency as that which this information imputes to them,—I ought not to use any argument to urge you to perform your duty, which, in that case, would be to pronounce the defendants guilty. Gentlemen, if I could imagine the topics to be urged before you on the part of the defendants, I should endeavour to anticipate them, together with the arguments with which they are to be supported, and to offer to you, humbly, what my judgment might suggest to me by way of answer to them, or at least to take notice of them; but as I cannot conceive what can be said in defence of such a libel as this, I cannot anticipate what topics can be urged, or by what arguments they can be supported in such a case as this, or what can be addressed to you, in this place, for these defendants, on the subject now before us;—for I will not believe that the learned and eloquent Advocate who is to defend these Gentlemen, will urge any of those topics, or endeavour to enforce any of those arguments, which may have been urged in other places, with a view to excite a premature impression and create a prejudice, in your minds, upon this subject, to give your minds a bias before you are called upon, as now you are, solemnly on your oaths, to decide upon it.—I do not believe that my learned and honourable Friend will introduce, before you, on this grave and important subject, this day, any such topics as those to which I have alluded.

Gentlemen,—On the mode in which the defence is conducted will depend whether I shall have the trouble of addressing you again. I have no wish so to address you. It depends upon my Learned Friend whether I shall do so or not—that is, whether that necessity shall be imposed on me or not. You will patiently, and, with a disposition to receive favourably, hear every thing that will be submitted to you on the part of the defendants; mean while, I lay in my humble claim upon your justice, that when you shall have again heard read this libel, as it must be read by the Officer of the Court, and shall hear and receive favourably the eloquent address which will be delivered to you on the part of the defendants, you will keep your minds even, without coming to your decision, until the proper period for that decision—that is, when the whole of the case shall have been heard;—when every thing that is to be urged upon it shall be heard on the one side, and answered on the other, and the Noble and Learned Judge shall have delivered his opinion on it, and then I have no doubt whatever you will do justice between the public and these defendants by your verdict; which will be such as to give satisfaction, and transmit you, for transmitted you are to be, to posterity, as men who had the fidelity, the integrity, and the courage, to do their duty.

[Here a person from the Stamp-Office produced the affidavit, which proved that the defendants were the proprietors, &c. of the *Examiner*.]

The paper entitled the *Examiner*, Sunday, March 22, 1812, was then given in.

Mr. SOLICITOR GENERAL to Mr. BROUGHAM.—Do you wish any part to be read except that which is stated in the information? Do you wish to have the whole paper read, or only so much of it, as is stated in the information?

Mr. BROUGHAM.—No, I do not wish the whole to be read, but parts I do.

Mr. SOLICITOR GENERAL to the JUDGE.—I understand they do not wish the whole paper to be read, my Lord, but only certain parts of it.

Lord ELLENBOROUGH.—If there be any parts of the paper to be under observation, they may as well be brought under our [illegible], that we may apply the observations to the [illegible], that the observations may be the more [illegible]. If any part is to be the subject of observation [illegible] stated in the information, perhaps it would be [illegible] the whole read, except some things which [illegible]. I never saw it, and know nothing of it; but there may be in it some miscellaneous matter which has nothing to do with the present subject; that, of course, neither of you would wish to read; but the whole of the context upon this subject I suppose you would wish to read.

Mr. BROUGHAM.—We wish to have read that part which relates to the matter at present in dispute; that part to which it relates, and out of which the present publication arose.

Lord ELLENBOROUGH.—I suppose there is some miscellaneous matter which has nothing to do with the present.

Mr. BROUGHAM.—That to which we refer, and which I wish to have read, is an account of an Irish dinner, the Anniversary of St. Patrick; which account is a quotation from another newspaper. It is taken from another paper, giving an account of the anniversary of that day, the *Morning Chronicle*.

Lord ELLENBOROUGH.—Have you got a copy of it?

Mr. BROUGHAM.—I have a copy from another newspaper also; it runs thus—"The Anniversary of this day," &c.

Mr. LOWTON here read as follows:—

"The Anniversary of this day—a day always precious in the estimation of an Irishman, was celebrated yesterday at the Freemasons' Tavern, by a numerous and highly respectable assemblage of individuals. The Marquis of Lansdowne presided at the Meeting, supported by the Marquis of Downshire, the Earl of Moira, Mr. Sheridan, the Lord Mayor, Mr. Sheriff Heygate, &c. &c. When the cloth was removed, *Non nobis Domine* was sung, after which the Marquis of Lansdowne, premising that the Meeting was assembled for purposes of charity rather than of party or political feeling, gave the health of the King, which was drunk with enthusiastic and rapturous applause. This was followed by *God save the King*, and then the Noble Marquis gave 'The Health of the Prince Regent,' which was drunk with partial applause and *loud and reiterated hisses*. The next toast, which called forth great and continued applause, lasting nearly five minutes, was 'The Navy and Army.'"

Mr. BROUGHAM.—You may go on to the next page.

Mr. SOLICITOR GENERAL.—I think we had better go on and read the whole, which relates to the purpose and occasion of the meeting.

Mr. LOWTEN then proceeded to read from the *Examiner*:

"The interests of the Charity were then considered, and after a procession of the children (a sight worth all the gaudiness and hollow flourish of military and courtly pomps) a very handsome collection was made from the persons present. Upon this, the toasts were resumed; and "Lord Moira's health being drunk with loud and reiterated cheering," his Lordship made a speech in which *not a word was uttered of the Regent*.—Here let the reader pause a moment, and consider what a quantity of meaning must be wrapped up in the silence of such a man with regard to his old companion and Prince. Lord Moira universally bears the character of a man who is generous to a fault; he is even said to be almost unacquainted with the language of denial or rebuke, and if this part of his character has been injurious to him, it has at least, with his past and his present experience, helped him to a thorough knowledge of the Prince's character. Yet this nobleman, so generous, so kindly affectioned, so well experienced,—even he has nothing to say in favour of his old acquaintance. The Prince has had obligations from him, and therefore his Lordship feels himself bound in gentlemanly feeling to say nothing in his disparagement; and in spite of the additional tenderness which that very circumstance would give him for the better side of his Royal Highness's character, he feels himself bound in honesty to say nothing in his praise,—not a word—not a syllable!—No more need be observed on this point.—His Lordship concluded with proposing the health of the Marquis of Lansdowne, who upon receiving the applauses of the company expressed himself "deeply sensible of such an honour, coming from men whose national character it was to be generously warm in their praise, but not more generously warm than faithfully sincere." This elegant compliment was justly received, and told more perhaps than every body imagined; for those who are "faithfully sincere" in their praise are apt to be equally so in their censure, and

thus the hisses bestowed were put on an equal footing of sincerity with the applauses."

[Here Mr. Lowten came to a passage which related to Mr. Sheridan.]

Mr. BROUGHAM.—I suppose you do not wish to hear any thing that relates to Mr. Sheridan?

Mr. SOLICITOR GENERAL.—Certainly not.

Mr. BROUGHAM.—There is at the bottom of the 3d page matter of importance on the subject of Ministerial newspapers, and particularly to the *Morning Post*.

Mr. LOWTEN then continued:—

"It is impossible, however, before the present article is closed, to resist an observation or two on the saddest of these Ministerial papers. "Our readers are aware that the *Morning Post*, above all its rivals, has a faculty of carrying its nonsense to a pitch, that becomes amusing in spite of itself, and affords a relief to one's feelings in the very excess of its inflictions. Its paper of Thursday last, in answer to a real or pretended correspondent, contained the following paragraph: 'The publication of the Article of a Friend, relative to the ungenerous, unmanly conduct, displayed at a late public meeting, though evidently well meant, would only serve to give consequence to a set of worthless beings, whose imbecile efforts are best treated with sovereign contempt.'—*Worthless beings* and *sovereign contempt!* Who would not suppose that some lofty and exemplary character was here speaking of a set of informers and profligates? One, at any rate, whose notice was an honour, and whose silent disdain would keep the noisiest of us in obscurity? Yet this is the paper, notorious above all others in the annals of perfidy, scandal, imbecility, and indecency,—the paper which has gone from one side to another, which has levied contributions upon this very PRINCE, which has become a bye-word for its cant and bad writing, and which has rioted in a doggrel, an adulation, and a ribaldry, that none but the most prostituted pens would consent to use,—the paper, in short, of the STUARTS, the BENJAFIELDS, the BYRNES, and the ROSA MATILDAS! And this delicious compound is to 'give consequence' to a Society, consisting of the most respectable Irishmen in London, with rank and talent at their head!—Help us, benevolent Compositors, to some mark or other—some significant and comprehensive index,—that shall denote a laugh of an hour's duration!—If any one of our readers should not be so well acquainted as another with the taste and principles of this bewitching *Post*, he may be curious to see what notions of praise and political justice are entertained by the persons whose contempt is so overwhelming. He shall have a specimen; and when he is reading it, let him lament, in the midst of his laughter, that a paper, capable of such sickening adulation, should have the power of finding its way to the table of an English Prince, and of helping to endanger the country by polluting the sources of its government. The same page, which contained the specimen of contempt above mentioned, contained also a set of wretched common-place lines in French, Italian, Spanish, and English, *literally* addressing the PRINCE REGENT in the following terms, among others:—'You are the *glory of the People*—You are the *Protector of the Arts*—You are the *Mecænas of the Age*—Wherever you appear, you *conquer all hearts*, wipe away tears, excite *desire and love*, and win *beauty* towards you—You breathe *eloquence*—You inspire the Graces—You are an *Adonis in loveliness!* Thus gifted,'—it proceeds in English,

'Thus gifted with each grace of mind,
'Born to delight and bless mankind;
'Wisdom, with Pleasure in her train,
'Great Prince! shall signalize thy reign:—
'To Honour, Virtue, Truth, allied—
'The Nation's safeguard and its pride;
'With monarchs of immortal fame
'Shall bright Renown enrol thy name.'"

Mr. E. LAWES.—Let us look at the Record. (Record handed to the Learned Gentleman, who, together with Mr. Brougham, examined it minutely as the paper was read; when Mr. LAWES observed, that in the Record the word "that" was engrossed *t h & t*, without the letter *a*.)

Mr. LOWTEN.—So it is in this printed paper.

Mr. Lowten then read the passage charged as libellous in the information, and commenced the next sentence:—"These are hard truths, but are they *not* truths?"

Lord ELLENBOROUGH.—Stop there.

Mr. SOLICITOR GENERAL.—That is my case.

DEFENCE.

Mr. BROUGHAM.—May it please your Lordship, Gentlemen of the Jury,—If, in rising to address you, I felt that the ground which I stand upon was that which public rumour has been pleased to assign to me, and to which the allusion of my Learned Friend's address, not obscurely, pointed;—if I thought that, to defend this publication, it was necessary for me to attack this exalted Personage, whom the Constitution of England commands us to respect;—if I knew that the cause of these men could only be supported by violating the purity of this place with a detail of printed, though unpublished slander, under what auspices soever that may have been composed;—if I knew that my claim to that verdict of acquittal, which I humbly, but confidently, anticipate, lay over such grounds as these, I should feel that I had undertaken a task calculated to shake stronger nerves than mine: but it is to me a pleasing reflection, that none of these burthens are now cast upon me; and I rejoice in the full conviction, that, in urging the defence of this publication, it will not only not be necessary for me to travel through such topics as I have now mentioned, in order to lay them aside, but that if I were to seek authority for them any where, it would be so far from arising out of this case, that they could only be reached by travelling beyond it; and instead of being favourable to the general tenor of this concern, would only tend to gratify inclinations which, as these defendants do not feel, I should not name; yet, Gentlemen, I am anxious not to be misunderstood; and I trust you do not misunderstand me, or suppose that I have in view any object whatever but that of full defence,—because whatever circumstances, either of explanation or of comment, may be requisite for me to make, in order to your full understanding of this case—whatever things, either arising from the few lines themselves, which are prosecuted in the information, or appearing from the context, of which those lines form a part; or whatever extraneous matter, either of fact or of comment, may be necessary for the full understanding of the meaning of these lines, in order that the motive of their author may be known to you—that its tendency may be duly appreciated, thereby enabling you, and which alone entitles you, to find whether those lines are or are not innocent, and to say whether you will acquit or condemn their author and their publisher;—all these circumstances I shall state, without offence, I hope, but, I am certain, without fear, scruple, or reserve; for I stand here clothed with a privilege of speech as ample, and as unquestionable, as is any where else enjoyed,—as pure, for it never can be violated while, to preserve its purity, we maintain its extent. That is a task which I pledge myself to perform. To discuss it is the first duty of him who wears this habit. That he should not shrink from the task of discussion, is, is his duty to his client—and his first duty. His second is, that he should not avail himself of the privilege of that habit to say, in public, that which, in private, he would be ashamed to utter; and that is the duty which he owes to himself.

Gentlemen, these defendants are not now before you in this Court, on account of their own newspaper, for the first time; for, on a former occasion, it has been their lot to have their conduct of that publication questioned in this place.—On the first time they came within the cognisance of the Attorney General, the subject on which they had delivered their sentiments was of high importance indeed, as I shall shew you this to, and of equal—if possible of more, certainly of as much—delicacy and importance. They had published rumours, and they had made some comments, and which events afterwards justified, on the supposed intended appointment of a Prince of the Blood to the command of our Army in Spain, to supersede Lord Wellington in that quarter; they stated their sentiments on the [illegible]

propriety, as it seemed to them, of that appointment. They published rumours, and something more than rumours, and made some comments on another very interesting subject, and, if possible, of still more delicacy—I mean the mode of punishment still continued in our Army, being corporal punishment, the policy of which some of the most intelligent military characters, as well as statesmen, have ventured to doubt: on these two points they were prosecuted; and here it must be allowed, that the ground was delicate enough, and although they came in contact with topics of a nature which did not appear to be within the inviolable privilege of free discussion, although they might be said not to have addressed themselves to individual or abstract topics of discussion, but to points immediately applicable to points in question, chiefly of prerogative; and they might be said to be holding out most dangerous doctrine to our Army in Spain, by telling them, you are going to have a bad Commander, in one case, and were tortured, in the other; yet, inasmuch as they could not touch on these topics without going beyond them, and state the mischief they occasioned, they were acquitted of both.

Mr. Solicitor General.—The Learned Gentleman is now upon matter quite foreign to the subject now before us, my Lord.

Lord Ellenborough.—Certainly, this is quite irrelevant.

Mr. Solicitor General.—Would Mr. Brougham, if the defendants had been convicted, instead of being acquitted, have allowed me to enter into the circumstances of their conviction, in order thence to infer they ought to be convicted now? Certainly he would not: he knows too well his duty to his client to allow of any such thing. Nor would your Lordship allow it: then, why should he go into the circumstances of the acquittal?

Lord Ellenborough.—Certainly, I should have stopt you.

Mr. Solicitor General.—It is extremely painful to me to interrupt my Learned Friend on such a subject as this; but, by sitting still during so irregular a proceeding, one appears to be forgetting one's duty.

Mr. Brougham.—I meant merely to shew that they have already been tried on an accusation equally important with the present.

Lord Ellenborough.—The matters to which you are now referring have no relevancy to the subject here in discussion.

Mr. Brougham.—It does so happen that I have finished all I had to say on that topic, and, therefore, the interruption was unnecessary.—I do not say that I should not, instantly, submit to the intimation of your Lordship to desist, if I had intended to offer any thing further on that subject.—But, Gentlemen, my only intention was to bring this point before you, to shew you that, notwithstanding the delicacy of the occasion, these defendants were not found guilty, and I could not argue the present point adequately, without alluding to other cases of similar import as to delicacy.—Having done so, I shall proceed to the point now before us, and to shew that the author of this article, for which he is now called upon, before you, to answer, is not guilty of the charge imputed to him:—that is,—he is not guilty of libelling the Prince of Wales, for having expressed the bitterness of his disappointment on finding that the hopes which he once indulged, and for expressing which warmly, he was censured—that the benignity once promised, and hopes once indulged, had not been realized.—On the present occasion, as on the former, I would say of the author of this publication, that personal feeling towards him, as an individual, leads me to wish for leave to say a word or two by way of observation out of his private character and conduct, while I am endeavouring to shew that no such motive as this information seeks to attach to him, can be fairly imputed to him.—In truth, Gentlemen, this defendant who is the author of this publication, is a person whose short history, I trust, I may be permitted to bring before you, since we are discussing the character and the tendency of his writings, and since we are upon a charge which imputes to him a malignity of motive in publishing this article.—He is a young man who lives not in the neighbourhood or within the view of a Court—who has no political connexions—who scarcely knows any public man personally, except, if I may so speak, the individual who is his Counsel—who does not know the face of any one man connected with the public affairs of this country.—He is a rigidly studious man;—a man not advanced in life—being, I believe, considerably under thirty,—but always surrounded by books rather than by men.—His delight is to pursue his studies, which he does, incessantly, from Sunday to Sunday, in his retirement—while he also prepares his weekly journal, the topics in which are various, as those of a public journal ought to be, including the History of the Events of the Times in which we live, and among them, Observations on general Politics.—He is devoted to no Political Party;—he knows of none;—of which we have a striking instance, by way of illustration, in the Motto he has adopted for his Paper, which is a quotation from Dean Swift—"Party is the madness of many for the gain of a few," and this you must have found, if you know any thing of this journal which he conducts.—Among the political topics which occupy his attention,—there are some general ones, in which we are all interested, and in which he has been extremely vigilant.—I mean the system of Military Punishment in this Country—the Criminal Justice of it, and its Administration—the Liberty of the Press, and fair Discussion—the Purity of the Principles of our free Constitution—the Abolition of the Slave Trade—the Amelioration of the present Condition of the Poor—the general Happiness of the Community, promoted, as it would be, by due attention to the Interests of the lower Classes of it—the general Policy adopted by this Country with respect to our Army Abroad—topics equally interesting to all parties;—and also the leading Affairs of our Sister Kingdom. These are the general subjects, the discussion of which runs through his Journal; and in this impartial and general mode of arranging the topics of his discussion, he is led to consider that which I have last stated for your attention,—I mean the System of Government pursued in Ireland, which subject has, upon various occasions, ever since he began to write for publication, been one of the chief objects of his anxious attention. In the discussing of political sentiments upon this subject, he has held opinions of his own, with which you or I might not agree. He may be wrong in those opinions, or he may be right in them.—Ours may be wrong, or they may be right, for none of us can possibly assume infallibility. But, be his opinions right or wrong, such opinions as he does hold he expresses with an earnestness and with a candour that makes most men who read his publication think he has the merit of being sincere in what he professes.—He can see no justice in degrading a man because he is born your subject in one part of your empire, and impoverishing him because he cultivates the richest part of your dominions—He can see no justice in persecuting him because you have persecuted his ancestors—nor in disqualifying him for civil purposes on account of his religious creed, or because he is forced, against the interest of his own Church, to pay for the establishment of yours—neither can he see the profit of mismanaging the richest part of your empire, nor the policy of alienating the most vulnerable, nor the safety of irritating the most populous.—In all these opinions he may be wrong;—he may be also wrong in holding another, which we gather from his writings, and most especially from the publication which you have now before you,—that to cherish millions of your kinsmen is, if not just, at least politic and preferable in point of safety, if not in point of principle, to that system which some statesmen have recommended, by which you are under the necessity of keeping one army in a part of your own dominions, for the purpose or to the effect of preventing your getting another thence, and to turn in your favour the scale of your military fortune elsewhere.—Now, Gentlemen, in all these opinions he may be wrong—but they are his opinions—I do not say they are well founded opinions; I do not say that, if well founded, they are not carried too far; but if they are, that error is not unpardonable, for it is the very nature of man to exaggerate every thing which is contrary to his own opinion. He differs from men of great name on the one hand, but agrees with others, I will not say of equal, but still of great authority; but it is enough for

me, and with deference, I humbly conceive, should be enough for you, that these are his opinions—that he has a right to hold them—that he has a right to state them freely—that he has a right to discuss them; and he feels that he cannot hold them without defending them warmly, for he always maintains with warmth whatever he feels with ardour.—Gentlemen, this is not singular in the Defendant, whose production is now before you, for it does so happen, that all those who have entertained such doctrines, and who state them zealously and anxiously, have fallen into the same mode of expressing their sentiments on every thing the least connected in interest with them;—sentiments which they held for many years—for a long course of the present Reign; but being prevented from attaining the object of all their wishes, because the pursuit of it, we all know, on account of certain unhappy scruples, as they considered them to be, and afterwards of unhappy circumstances also, was unwelcome in a certain quarter, the attainment of it was placed at an immeasurable distance, indeed hopeless for the whole of that Reign.—They, therefore, determined for that period to desist from the pursuit—but not hopeless of final attainment; on the contrary, hopes were held out to them, that if they would only desist until a favourable opportunity occurred,—favourable I mean for that purpose,—their wishes should be gratified.—An event of that kind occurred;—an event to be deplored on every other account,—but an event which was considered by those to whom the object was the most dear, that such object of their most lively wishes would now be within their reach—but alas—disappointment was their lot! Now, Gentlemen, you are to place yourselves in the situation of those men whom I have been describing, and whose character are alluded to in the paper which has been read.—But, not only those illustrious persons, but a mighty mass of others, who had been led to expect the completion of their wishes, and among them, these Defendants, who, when the event arrived, an event by them, and by us all, deplored on every other account, but which was propitious, as they thought, for the attainment of this object,—on the verge of it,—the object of their wishes almost grasped by them,—when they had no longer any opinions to encounter, nor, as they thought, any thing but their gratitude to express,—considering the fulfilment of the promise certain, there could be nothing left for them to shew but gratitude for its performance.—But look at the reverse, and then I think you will be disposed to make large allowances to those who had nothing to feel but the bitterness of disappointment.—Gentlemen; I stand not here to-day for the purpose of saying that the conduct of those who advised his Royal Highness against the fulfilment of that promise was not justifiable,—I do not blame them,—they had reason, no doubt, for what they did, and it was just in them not to disclose those reasons;—I do not blame them, therefore; I am bound to suppose they are right, although I know not why;—all I say is this,—you are men, and thinking men—have men's feelings, and will judge fairly and with some allowances for others who are in the situation which I have described to you;—I put it to yourselves, and ask you to say, whether, under such circumstances, any thing short of a miracle could have prevented those emotions which were then filling their souls, by that sudden, painful, bitter disappointment, from shewing itself in some intemperate expressions?—These persons accordingly held a Meeting, an account of which you have heard read from this publication.—At that Meeting, as you have heard also read, certain sentiments were delivered, and expressions used.—The account of that Meeting is not the composition of this Defendant—but it is quoted by him from another newspaper.—At that Meeting, you have heard, that upon a certain expression being used in a certain quarter, a mark of disapprobation followed, which I cannot say was decent, certainly not justifiable, considering the exalted character to which it was applied.—At the same time, when all these sentiments were prevailing in their minds, there appeared on the part of those who called themselves the non-advisers of this question, and while these Noblemen and Gentlemen were engaged in the discussion of that question in and out of Parliament,—there appeared, for the first time, in those who, from the beginning of the Prince Regent's life, had been in the practice, the daily practice, of vilifying and traducing him, a disposition still more cruel to his Royal Highness, for they now persecuted him in a still more unsparing, constant, unbearable manner, by a gross, ridiculous, obnoxious, extravagant, fulsome adulation.—He was then, for the first time, and by those very men, who, under their Patron, had, for near half a century, been his defamers;—he was then, by those very men, given up as a being of the worst of names, to the enmity of the most profligate despisers of truth,—of those who do not take away reputation merely, but who lay waste the principles of men, first, by flattery seducing them to vices, and then covering them with ridiculous, base, abject adulation.—I deal not in mere general terms—I am ready with *proof* of what I say—I hold it in my hand——

Lord Ellenborough.—There is no *proof*—you know *there is no proof, on such a subject*—there is no indulgence of licence for trespass that can be suggested in an address to a Jury, that can allow any one to proceed in this way.—As to *proof* in such a case as this, what proof of the kind suggested can be received?—You know your duty to the profession, and mine to the public justice of the country, too well, seriously to offer such proof.

Mr. Brougham.—I submit that I am within the limits.

Lord Ellenborough.—What, in offering *proof of the misconduct of others*, in defending the misconduct of a defendant *on a criminal prosecution!*

Mr. Solicitor General.—It is more regular for me to object, at once, to this course, and then the Learned Gentleman can answer my objections.

Lord Ellenborough.—This really must be curtailed,—else the whole judicial character must be re-cast;—for, by this mode, we shall be deprived of all order and decorum at the Bar. Every matter in the vindication of your client, in the way of fair explanation of the Paper which is the subject of this information, you are at full liberty to adduce, and to pursue in argument:—but it is your duty not to extend it to topics that vilify others. To offer *proofs* that his Royal Highness is dealt with in that manner, is not only against law, but really indecent.

Mr. Brougham.—I understood I had a right to offer this kind of *proof*, according to the practice of the profession.

Mr. Solicitor General.—That it may not be supposed, by any one, that the defendants in this case have not the full benefit of every thing to which they are entitled by *Law*, and by the *Practice of the Court*, I shall now state, that it is, in my judgment, my duty to object to the course now proposed, the defendants Counsel will then be heard in argument, and your Lordship will then decide between us.—I therefore take the liberty of objecting to the address of the Learned Counsel to the Jury, in its present state; and my ground of objecting to that address is this:—I will state it plainly,—for, my Lord, I wish that every thing which passes here should be according to the strict and established rules of *law*, and the *practice* of this Court; for we are to be judged of by the public. I object to the present mode by which my Learned Friend proposes to defend these Gentlemen against this information, for publishing what it is my duty to call a libel—because in that mode, he offered *proofs* that certain persons had been, for near half a century, in the practice of defaming his Royal Highness, or misconducting themselves towards him, by *seducing him to vices* by their flattery, and then holding up to ridicule, by loading him with unmerited, unfounded praise. If the fact were so, which I deny, I believe no benefit would be derived to the present discussion by admitting proof of it. First, that the merits or demerits of that allegation, which I shall for the present call a libel, would require of itself a separate and distinct discussion;—and secondly, when decided, the evidence offered could not be received. I therefore submit to your lordship, that what the Learned Gentleman cannot be allowed to produce in evidence, he cannot be allowed to state, to the prejudice of others who are not before the Court, and cannot have an opportunity of being read. Now that the objection is taken, your Lordship, after hearing the argument, will give your decision, to which all parties must submit.

Mr. Brougham.—After this legal objection has been taken, may I now be permitted to set myself right, in letting your Lordship know what it was that I was offering. My Learned Friend has completely misconceived me, and the drift of the defence which I had to submit on the subject to which I proposed this evidence in defending my clients against a charge of a libel. My Learned Friend is supposing me to have offered *proof* to affect *third persons*. Now, what I offer is this, and I go upon principle, for I go according to the very words of this prosecution.—My clients are accused of having published a libel on his Royal Highness, to the great scandal and disgrace of his Royal Highness.—Now, what I want to shew is, that my clients are not the authors of that scandal and disgrace, which are the words of the information, but that what they have published was an answer to, and an animadversion on, what had been said by others to such scandal and disgrace; and what I have now stated is already in evidence.

Lord Ellenborough.—Then the proof is already given, and need not be repeated.

Mr. Brougham.—It is not all read.

Lord Ellenborough.—Certainly all you meant to rely on should have been read to the Jury.—Let the Officer who has the paper read it, and let all be read—or let that part be pointed out, and then let the Officer read all which you wish to have read.

Mr. Brougham.—They are strictures contained in this publication, upon a number of epithets which appeared in another publication.

Lord Ellenborough.—Have we that here?

Mr. Brougham.—That is a publication to which this is an answer, and therefore I submit that I should be allowed to read it.

Lord Ellenborough.—No, no;—any thing in order to explain the context of the publication in question, you have a right to read,—or any thing to render it intelligible, you have a right to read.

Mr. Brougham.—I never contemplated any thing more—nor did I ask for any thing more.

Lord Ellenborough.—You pointed at *something else*; but a Gentleman at the Bar, in conducting the cause of his client, is not bound, literally, by what he says.—I understand you, now, to say, that you mean to produce a publication, to which the libel in question may refer, for an explanation of it.

Mr. Brougham.—Undoubtedly, my Lord.

Lord Ellenborough.—No; that you cannot do.

Mr. Brougham.—I may read it, as part of my speech.

Lord Ellenborough.—There is no reading of any thing, as part of a speech, in *this* place,—except evidence.

Mr. Brougham.—All I meant to do on this occasion was allowed to me, and much more, on a former occasion; for I was allowed to read part of a pamphlet from Sir R. Wilson.

Lord Ellenborough.—Yes; but when the Court finds these things grow upon it, they must be put a stop to—

"——*dabitur licentia sumta pudenter.*"

Mr. Brougham.—Gentlemen of the Jury, I had stated that at the moment I had mentioned, a great anxiety arose in the minds of those to whom I have alluded, when the feelings of that party were worked up to a pitch which I have faintly attempted to describe—there appeared, I say,—but it is a figure of speech merely,—*against* his Royal Highness (but I will now say they were panegyrics, or figures, *to* his Royal Highness), a certain publication *from* some person, either himself his admirer, or wishing to be thought so, containing some verses, in a style which I have attempted to characterise as it deserves; but, in that attempt, I am sure you will think I have fallen short of my object, when you hear what that style is. This publication, to which a direct allusion is made in that which the defendant has written, is a very curious species of publication, and is the foundation of this which is selected for prosecution. The publication to which I allude, and to which my client's publication is an answer, was a sort of work, which may, perhaps, be termed poetry or rhyme, I know not which to call it—doggrel, covering, as I told you (but I know not how different tastes may be led to consider it, but, as I think, and as my client thought), covering that exalted and illustrious character, under the name of panegyric, with the vilest and most abominable ridicule—a ridicule which, I know, cannot attend that illustrious Prince; but if not, that is to his praise, for it shows him to be so exalted as to be above ridicule, but which, in my mind, would subject to the most severe ridicule any inferior or subordinate character. It is impossible for any private man, or indeed any man, except his Royal Highness himself, to have these things written and published of him, without his being the subject of the most insufferable ridicule. To that point I am now going to call your attention. Now, Gentlemen, you will bear in mind what I said to you before, that the publication for which my clients are called upon to answer as for a libel, is, as you will see, only a free and warm commentary on that to which it is an answer; and, as I said, an answer preserving the very words of the original—alluding to it, sentence by sentence,—never travelling beyond it,—and would be unintelligible without that original; and when I shall have put the original and the commentary together, I shall fairly submit to you, whether the words of this publication of the defendants are, coupling them with the original to which they refer, capable of bearing that construction of malice, mischief, and libel, which is imputed to them. What are these words? You shall hear them.—

[Here the Learned Gentleman read from the *Morning Post* the following stanza:]—

Thou, whom a cherish'd People's hearts enthrone,
Great Prince! accept my homage in this lay;
Thou, whom the Arts their chosen Patron own,
And Science hails Mecenas of our day.

Now observe that the defendant, in his commentary upon this doggrel, or fulsome panegyric, only applies to a matter of fact, at least to the nature of the fact which this absurd panegyric would seem to convey—namely, the circumstance of patronage. He does not, in his commentary, deny that the Prince is a Mecenas; but he says the author of this doggrel disgraces the character of his Royal Highness by his doggrel and fulsome panegyric. He answers it, and he exposes its absurdities.

[Mr. B. then read from the *Post*:]—

Whene'er that voice, so strong yet sweet,
Each hearer's soul inspires,
The Graces ev'ry accent greet
With their celestial lyres.
While the Pierian Maids in concert raise
The thrilling notes of wonder and of praise.

I am sorry it is necessary to trouble you with a repetition of such nonsense as this; but it is the nonsense, not of the defendant, but of those whom he has answered; and it is fortunate that his Royal Highness is, by his illustrious rank and qualities, so far removed out of the reach of the insults of these ridiculous praises and fulsome panegyrics: any ordinary person would be crushed by them.

[Here the Learned Counsel read as follows:]—

Where'er thy grateful form appears,
Each heart is led in chains,
No longer flow Affliction's tears,
But Love triumphant reigns;
While Beauty sheds new lustre in thy sight,
And round her Fav'rite revels in delight.

To honour, virtue, truth allied,
The nation's safeguard and its pride;
With monarchs of immortal fame
Shall bright renown enrol thy name.

Adonis! in thy shape and face,
A lib'ral heart and Princely grace
In thee are seen combin'd;
And hence th' admiring World may know
How much frail Fortune can bestow,
When once she will be kind.

On this follows something in the same strain, apparently from the style by the same author, some further lines, which,

when I first read them, I thought belonged to the same subject, until I came to the end of it, when it turned out to be—a common lottery puff.—Now, Gentlemen, after disgusting you, and apologising for having disgusted you with this trash, I must again intreat that you would bear in your mind that which is most material in this case—that the publication of the defendants is a commentary on the publication and written purely in answer to this doggrel, and in reference to that very subject. The author was not an author, sitting himself down to compose the writing, the merits or the demerits of which you are now trying. If, indeed, he had taken up his pen, and addressed himself to the task of attacking, personally, the exalted character so of necessity alluded to,—if he had, even without attacking that character, attacked any of the officers of this Court, or sat down without any suggestion from this previous publication, or from any previous statement of any kind, but from a voluntary impulse, proceeding from suggestions of his own, he had given vent to such language as I have just now been reading to you, or to such sentiments as this language,—I am sure that I would not have denied, but should have readily admitted, that the publication ought to bear the construction which is now attempted to be fixed upon it; for you would then have seen an officious interference, and a malignity of purpose, which the very idea of its being a commentary on another work repels; for I call on you, Gentlemen, never to lose sight of the distinction between this as a commentary, and what it would have been, if an original work;—so that this observation should never, for a moment, be out of your mind, that it was to ridicule this absurd trash, and nothing else, he sat down to compose this publication. And here allow me to observe, that when any man is about to attack another in any thing of this nature, and conflicting with an adversary in any field of discussion, especially if the subject be one on which he is warmly expressing that which had excited ridicule or disgust in his own mind,—on the nature of the taste, for instance, of his opponent,—we all know to what length any one, feeling warmly, may be carried, even with respect to a third party, although the real object be nothing more than to expose the second, and when he is addressing himself to the work of his opponent, and has no real design to expose any other person.—So it happens to an author frequently, when he is exposing bad writing on any subject; he naturally goes beyond the point of moderation towards the subject treated of, when he means only to expose the treatise. When I intend to shew the absurdity or the bad taste of an author, and that is my chief object, my chief view,—indeed my only view,—I am naturally led to exaggeration, and to say something, which, if it relates to a third person, and is only incidental to my main design, is not justifiable as it applies to that third person, although it be perfectly justifiable as far as regards my real object, which is to ridicule the bad taste of my author.—This is the natural turn of the human mind, and, without a miracle, it will not be in human nature to avoid it.—Feeling warmly and indignantly, at what appears to me to be gross and fulsome, it will not be in human nature that I should avoid expressing myself warmly of such grossness and such fulsome adulation, against the author whom it is my object to attack.—Now, Gentlemen, you will find that this is by no means peculiar to the present subject of discussion. I could shew you pages from the writings of the greatest and most eminent writers in our language, upon controverted points, in which heat and animation of expression is indulged, and that too upon a subject most revered by the very author of the work, which, apparently, turns that subject into ridicule. I could shew you, from the most renowned writings of the most cordial friend of our Monarchy, passages, which, if taken by themselves, in the fervour of composition, when he was giving vent to his feelings, appear in such language as would seem to treat Monarchy itself, and all Monarchs, with derision and contempt; for they would, taken alone, and without reference to the real disposition of their author, appear to go beyond all ideas we have of moderation. I will give you a specimen;—a passage from the works of a man, who, while there remains among us any regard for loyalty, or respect for genius, will stand eminent in our esteem;—I mean the late Mr. Burke, who, in his real disposition, might be called, not the friend merely, but the champion of Monarchy; but the passage, to which I am going to call your attention, if taken by itself, and not construed with reference to the object he had in view, would make him appear to be the foe of Monarchy, which he indeed revered—a passage which, taken by itself, would have drawn upon his venerable name a degree of odium as the calumniator, instead of being the bold defender, of our Establishment; and would have presented to him, instead of the honour of royal bounty, a state prosecution.—Now, in three lines, for I will read no more, though I could quote chapters of the same kind,—in three lines, Mr. Burke says this,—and that too when he was speaking of the whole Legislature, consisting of King, Lords, and Commons. When speaking of our Act of Parliament, he says this:—"If such an Act of Parliament could have appeared in any other Legislature than ours, it would have appeared the most insulting and most unnatural cruelty and injustice;" and then he adds, "I assure you, I never remember to have heard any thing like it in any time or country."—You see here how even that great and enlightened man is carried away by the object which he had in view; and indeed that comes considerably near to the present case, and illustrates the point which I am urging to you; for he is now not attacking the Monarch or the Representative of Monarchy alone, but he is attacking the whole Legislature, of which Monarchy is but a branch; but the truth is, that he had another object in view, which was to expose certain principles held by certain individuals, and this Act of Parliament, to which he gives this character, and treats with such apparent irreverence, came into his mind incidentally, when he was speaking to the House on another subject, and, you see, when he has another object in view; but incidentally speaking of an Act of the Legislature, in what unmeasured language he speaks.—In another passage he is still more pointed, and the passage is almost too well known to be quoted;—

"Kings are naturally lovers of low company. They are so elevated above the rest of mankind, that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must, indeed, be admitted, that many of the nobility are perfectly as willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be: but they are not properly qualified for this object of their ambition. The want of a regular education and early habits, and some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe!"

Now, was it that Mr. Burke entertained a contempt for monarchy, or entered into this discussion in despite of the kingly office,—that he had no disposition to support the throne,—which made him publish this ridicule and apparent contempt for monarchy?—No;—he was the very man, if ever a man was found, who would be ready, on the instant, to lay down his life in its defence—he was the champion of monarchy, if not the worshipper of monarchs.—It would indeed be a libel on his memory to say that he was not a lover of kingly government—and what has the event of his life proved to you?—That this language was merely incidental, and never meant to be in real ridicule and contempt of kings, but for another object to which it was incidental—for this same Burke is that Burke, who, for this language, at least notwithstanding this language,—had his real motive so justly interpreted, that, instead of being called upon to answer criminally for this publication, was promoted to royal favour and munificence, and to splendid wealth—He was admired at Court, and revered by the nobility, while he lived; and when dead, his name was enrolled among those who have distinguished themselves in the cause of monarchy.—If this could be the case, the inference which I draw from it, I submit to you, is perfectly natural, that when a person is speaking of any subject incidental to his main design, he is never

measured in his language in the same manner as he is on other occasions.—Gentlemen, upon these things let me entreat you to consider that I am not saying that there is nothing unguarded in this publication—there may be a few unguarded expressions used—I admit there may be one or two, and particularly one word, of that description, and I mean to address myself to those words which I could wish to have been spared, and which the author himself wishes might have been spared, and I have no doubt of it, that in his sober moment of reflection he so felt, because they are words which are liable to *misconstruction*.—Not because he felt the wrong of them himself; but they treat on delicate ground, and are liable to misconstruction, because it seems intended to irritate and to inflame, which was not his motive;—but if there be such expression, as I admit there is, and I regret it, and so does my client,—yet if that expression, though unjustifiable, be used unguardedly and from no bad motive, he has a right to hope that such an expression will not operate with you so harshly, as to force a verdict of conviction, resting on that expression alone.—He trusts that you will consider that expression candidly, and ask yourselves, whether you think the expression was studied and intended to be offensive, or he took it as it came in his way?—You will take the whole scope and meaning of this piece of writing, and the cause of it, into your mind, and if you find that the expression, which I have admitted to be an improper one, was only incidental to the main design, and merely an accidental slip of expression in the moment of irritation,—and if you find the whole of the expressions, taken together in a liberal sense, are not such as you must find them to be, before you can consistently with justice convict him of a Libel, you will then acquit him.—There is *one* expression, certainly, which bears apparently a meaning, which when you consider it attentively, it will not bear—I should therefore intreat you, Gentlemen, to consider this publication, with the exception of that expression, which was produced, and I may say provoked, by that doggrel, which it was the object of this author to ridicule, and which I have a right to say was intended for no other purpose whatever, for the whole page of the publication is one continued and avowed answer (with the exception of that single expression) to this miserable doggrel, of which you have already heard too much. Independent of that expression, there is nothing that I can discover for which the party is answerable on the grounds and principles which I have laid down—namely, that as this is not an original work, intended to ridicule any body, but a running commentary upon another work, which is ridiculous, it is not the subject of just conviction for a libel. There is nothing in the rest of the publication which does not relate to general topics, and which does not contain a statement which he, or any body, has a right to make—a statement of an opinion on what he considered to be the effect of that which was matter of public discussion, open to all the subjects of his Majesty.—Now, in the next place, you will not suppose that this defendant, when he said that this Prince "*was a violater of his word*," he meant in the sense here imputed to him, that is, the most degrading, contemptible, of all expressions, so degrading that I should not have a word to utter in defence of it, if he had said what he does not say, nor ever meant to say,—that the Prince was a violator of his word, taken as between man and man. God forbid that any such meaning should be imputable to him! I say he meant, as Burke meant, to speak strongly for the purposes of ridicule, when said that Kings were lovers of low company,—not lovers of that which they must despise, for that they could not be; but he spoke incidentally, he spoke figuratively, and, by a violence of expression liable to be misconstrued, and to have his real meaning distorted, he spoke unadvisedly, and had better laid aside that mode of expression; but we cannot always convince authors of this, for it is matter of taste and discernment of the feelings of others.—He might have altered the expression, or he might have qualified it by saying—"Do not, for God's sake, think I mean, by lovers of low company, vulgar, tippling companions:"—he might have so qualified it—but he did not qualify his expression—he left it to take its chance as to the construction to be put upon it.—He wrote a pamphlet, and it might possibly, though unlikely enough, be read in a tippling house, by a club of low companions, and it might have a literal instead of a figurative sense put upon it.—But does any man of sense and education put that meaning, or annex that sense to it?—Certainly *not*.—Just in the same manner would I construe the writing now before us—and I would say for this Defendant, precisely what he meant to say for himself when he wrote it.—He meant to say—"Do not imagine that when I write this, I mean to write what I think of the Prince Regent, or that I mean to bring his Royal Highness into contempt by ridicule; all I mean to show is, that the Prince's adulator is an object of ridicule, for I am writing not a piece of ridicule of the Prince, but a commentary on the writings of the adulator of the Prince, which are ridiculous as I have shewn you."—This is the true meaning of what he writes, when he states the Prince to be a violator of his word.—It is obviously his meaning—it stands so in the front of the publication; you have it so in the very first part of it, wherein he alludes to that important subject,—that mighty question, which has divided the minds of the most intelligent among us, as to the mode of setting it at rest, although it has not divided them in wishes for seeing it at rest, nor in the anxiety concerning it, for, on these last points they are all united—and I can assure you, Gentlemen, the Defendant heartily joins them in it.—He alludes in this sentence, which I cannot justify, other than by saying it is the effect of irritation which he felt at the moment, on the very subject I have just been touching upon—on that momentous question, and on that occasion, he says the Prince is a violator of his word—by which he only meant to remind you of that most bitter disappointment which he, and others thinking as he does, experienced—the total disappointment of those hopes which they had so long and so fondly cherished—Hopes to which so much encouragement was given in a quarter possessing the means and professing an inclination to allow them to be gratified. Thus situated, and feeling what seemed to him a just indignation, he has ventured thus to express his feelings.—That is a circumstance which you will take into your consideration.—But then we find another expression objected to, and made the subject of this information.—It is an allusion to "debt and disgrace."—This again, I maintain, is not meant to be taken as applicable directly to his Royal Highness, but an allusion, by way of answer to the adulation to the Prince on his virtues.—Now, when we read of the debt of the Prince, or when we talk of his being in debt, which many of us have often done; we do not mean, as in the ordinary acceptation of an insolvent debtor, that he has deceived his different creditors by false pretences. Princes are not to be so considered when they owe debts, which they are even utterly unable to pay; for they are not like private men;—they are public functionaries;—they are persons who, for governing the country, the country pays and supports: therefore, to say that a Prince is in debt, over head and ears, which would be disgraceful of you, or of me, is, of them, no such matter; to say that they run into debt, is an assertion which is very little more than saying, that a branch of one revenue is in arrear, and a thing of which you ought not to take cognisance on a charge of libel. That the Prince is so in debt, and has so run into arrear, is a public and a well-known fact; and I say no man ought to be criminally charged for so alledging, for it is a fact which stands upon record, and upon the Statute Book of this realm, and is, therefore, matter of public discussion, and open to those arguments which have been used, or which may be used upon that subject; for, not only is the Prince of Wales in the state to which this allusion is applied, but further, for it not only declares him to be in debt, but also unable to pay,—nay, tied up by strict obligation not to pay to the amount of a single sixpence of that to which those who contracted with him were entitled (for so is the Act of Parliament). Does this, therefore, improperly impute any thing to his Royal Highness? No; for he cannot, he shall not, pay. The defendant alludes, therefore, to this melancholy fact;—I do not say melancholy with regard to the Royal Personage, who is the object of it, but to the financial embarrassments of the Prince at the time, and melancholy only, because it tied up his hands, and prevented him from discharging his just

debts and different obligations, which, we all know, must be very distressing to the feelings of his Royal Highness,—not as degrading, but melancholy, because it shewed that the country was, by its urgent necessities, reduced to the deplorable alternative of burthening the people for the payment of the Prince's debts, or putting his Royal Highness into this predicament in which the Legislature has placed him.—Then comes another subject, which I cannot take into view without fear and trembling; because, if the ground over which I have already trodden be delicate, this I feel to be much more so, and that I should therefore leave to you; but it is my duty, a painful but necessary duty, for me to remind you of, since I am precluded from giving a direct explanation, from motives of delicacy: it is, however, my duty to explain to you what the meaning of the phrase I am about to repeat is, which is, to me, most painful, distressing, and, in every sense of the word, disagreeable (I will call it no more), matter I could think of: the matter I allude to, without my informing your minds of, is that of which it is utterly impossible for you to know the meaning; because, in one way it means one thing,—in another way, it means another:—"*a despiser of domestic ties.*" All I say upon that is, that it is not brought forward by me, further than for the purpose of reminding you that it refers to things which were matters of public discussion. It was brought forward by the defendants for no other purpose than to say, that it refers to a matter that every subject of this realm has an undoubted interest in its being publicly discussed; and, when I say gives every man in this country an interest in it, I mean that it has been made the subject of taxes imposed upon the people of this country. It was alluded to for that reason—I will say no more, except that I am justified in saying, that it made a subject of taxation on the people of this country, for it produced a separate establishment, which formed a part of the Budget of the year; and for my proof of this, I refer to the Public Votes of Parliament. Here it is necessary, and the necessity arises out of circumstances the most deplorable (but which fix no blame)—but here shall I be allowed to lament, that the noble, the virtuous example of the Royal Parents has, unhappily, not been followed by Royal Children?—a separate establishment has, therefore, been necessary, whereas, under the late reign, no such expence was entailed.—Gentlemen, I have passed tremblingly over this ground.—I am glad I have got over, for every moment I was on it, I was as much alarmed as a man could be; and setting aside the apprehension I was under, lest any thing I said might call upon my Lord to interpose; and although my Lord did not interrupt me, and had I been sensible my Lord would not interrupt me, I should almost have dreaded myself. Common justice to my own feelings extorts this observation from me, in my own behalf.—I am now upon very different ground, and under very different apprehensions. The phrase which is presented to us next is, that this illustrious Personage is said to be *the Companion of Gamblers and Demireps.*—Here I feel that I have a right to say, I rejoice I have got over the ground which I dreaded so much.—I have now no such feelings—none, such as I felt a moment ago.—Gentlemen, this alludes to a fact; it is notorious;—it is bottomed upon the Gazette;—it belongs to the Record of the Court in Ireland, and is to be found on the file of the Official Gazette of the English Government; and therefore can be no more the subject of delicacy than of concealment.—I have told you that the author of this article is a person living in retirement, secluded from the world, distant from the Court, and very unknowing in its ways.—He passes his days certainly not among the profligate part of mankind;—he has acquired, in his solitude, a considerable number of public virtues, and one private moral one, which they who lightly treat on such topics, class either under the head of fanaticism or enthusiasm.—Some there are who look upon him as a well-meaning, innocent young man, ignorant of the world, or retired from it and taking as grievous calamities those vices which men of the world view but lightly.—These, however, being his feelings, feelings much heated, as he tells you in another part of his publication, by his falling in with, and having the perusal of, the most eloquent speech that was ever delivered at the Bar by the present Master of the Rolls in Ireland, upon the subject of that virtue of which the defendant is an admirer, and denouncing that vice which he hates as I do, but calls by a name and describes those who fall into it, and particularly the individual in question in that case, in a manner which I do not; for, God forbid I should libel one individual when I am defending another.—That learned Advocate spoke on that occasion, of a Clergyman whose wife had been seduced by a Noble Person, whom I shall not name; the Action being for criminal conversation between that Noble Person and plaintiff's wife, when the eloquence of that learned Gentleman, Mr. Curran, had such powerful effect, and the propriety of admiring which was confirmed by the verdict of the Jury who tried the cause, and gave unexampled damages against this Noble Person.—At that moment, when the eloquence which he admired so much was ringing in his ears, there happened to come in his way the Gazette,—the London Gazette published here, and announcing this very Noble Lord as being appointed to an high official situation about Court;—then, feeling all the effect of this eloquence anew, as it were, finding this promotion of such an Individual, but ignorant, no doubt, of the circumstances which might have been stated, as we are bound to suppose, on the part of those who advised his Royal Highness to make the appointment,—an appointment giving to such a person, as this defendant conceived, (erroneously, of course, as the appointment evinces)—him to be,—a situation about the person of his Royal Highness;—actuated by all those feelings thus cherished, thus fostered, thus heightened, and thus heated,—feeling all the notions he had of virtue raised to a degree of what some men of the world would deem a puritanical admiration, and heated by that notion of morality which I have told you his solitude increased, his indignation arises against those who advised this appointment, and he thought (but I do not say that you or I ought to agree with him) that this appointment, and this mode of proceeding in the distribution of royal favour, but ill agreed with that Proclamation which, four times a year, at the recommendation of the Crown, is issued against Vice and Immorality in its subjects—for not only was this Proclamation issued to the Country through the medium of the Gazette, against immorality, published under the authority of the Crown, by which the Crown enters into a moral and a natural compact with the People, that on the part of the Crown, or at least the Advisers of the Crown, proper examples should be held forth of religion and decency,—that they would advise the Sovereign according to religion and to virtue, or, at any rate, to morality and decorum:—feeling all these things as a moral,—as a puritanical, enthusiastic man, perhaps;—reflecting on these proclamations in the Gazette, reminding him as they did, and as he expected they ought to remind others, of this natural and moral compact voluntarily entered into by the Crown on its part, with its subjects,—he sat him down to read, and, having read what he thought, and I think, and, I presume you think, despicable doggrel adulation, on which his publication is a commentary,—he writes that commentary, in which, be it remembered, he says nothing against the Regent on a very nice law question, but he says, in answer to a doggrel adulator of the Regent,—"Look at what you do—see whom you defame with the satire of your praise!—See whom you have announced in this Gazette!—What am I doomed to see at the moment I am reading your fulsome panegyrics."—Gentlemen, it is hard upon this Noble Person, who is thus alluded to in these proceedings, and upon those other courtiers, who are likewise alluded to, that they should be thus traduced, either now, or by this Defendant in his writing;—it may be a hard lot for them, but I much fear it is a lot to which they must lay their account to be so exposed; for those who, forsaking the quiet path of private life to travel over the lofty and steep road of ambition, have made their election, they can no longer expect to enjoy the shelter any more than the other comforts of more low and humble situations. Every thing they do is public—turn where they will, thousands of eyes are pointed to them.—They enjoy much if they evince a spark of merit, swift does adulation magnify it into a blaze, and whether we are to judge of the prejudice of

those who inherit these advantages, by being born to the highest situations, cling to them, or to those who, clambering up, pant after them, we must conclude that the struggles for perpetual notoriety is that which they most dearly prize.—But they cannot have all their little merits basking in the sunshine of public notoriety—and have all their little failings protected in the shade of obscurity.—If they have made their election, or their ancestors have made it for them, which is the case of hereditary station, they must expect a great number of disappointments, and they must never consider themselves as private men. They are in truth, as my learned friend observed in his opening, not private individuals at all, in any one sense of the word. You may as well say, that a *sceptre* is a *shepherd's crook*, as say that a public is a private character.—The latter is not a subject of public discussion—the former is—he is matter of public concernment, and therefore a topic for discussion. These public characters must therefore expect to have their actions canvassed by the public; it ought to be so, for the public have an interest in those courtiers, in these tenants of the Court, as the Noble Lord who is aimed at well knows,—the public have a right to view him in the light of a courtier; it is safer for courtiers that the public should do so, than that they should abstain from the practice; for it was well said by an eminent historian of our own country, and a nobleman too, my Lord Clarendon, "That innocence has no fear in defending itself against accusations, where the liberty of defence is as great as the liberty of attack;" and that liberty, Gentlemen, is given you this day.—There is therefore nothing to fear from public discussion; on the contrary, it is a protector of public men;—it enables men to speak as they think. The reverse is the effect of restriction; for if men are prevented from speaking or writing as they think, there is nothing, nor can there be any thing to prevent them from thinking as they ought, and restriction will make them think with ten-fold bitterness, and ten-fold keenness; public men, therefore, if virtuous, have much more reason to covet discussion than to fear censure;—they have nothing to fear, but every thing to hope from public discussion; but those who stifle discussion have every thing to dread, and will continue for ever to have every thing to dread, unless they can extinguish the thinking principle.—If indeed they could extinguish the thinking principle, it would not signify whether discussion were free or not. We hear much of the danger of such topics, of the perils to which they expose the peace and good order of our country—I mean the comments on the Noble Lord's conduct, and of his appointment to an high office at Court; and yet, permit me to ask you, whether there is any thing more harmless than such an attack, levelled at such a quarter?—It used to be said of old, "That he whose arguments were backed by an army of 50,000 men, need not be a very sound or skilful logician."—It is more sound to say, that the courtiers and those who support the Court and are supported by it, and have at their back the whole resources of this mighty monarchy, may well despise (not a libel—do not mistake me, for you must dispose of that) but a few casual expressions against a courtier.—But against whom are these casual expressions? Who are these men? Not private individuals, whose obscurity keeps their vices out of view—No; they are persons whose failings, if they have any, cannot be private, but must be of public detriment by bad example, and it is against these men that these observations are levelled. They are proper subjects of public discussion—then, why need they dread that, any more than to defend themselves against public attack—what is there in them to exempt them from public inquiry into their conduct? Are they not the very persons in whose hands are placed the whole fortune of this empire,—men who have for their security also the happiness of a long monarchy,—a longer period than almost any other monarchy, in which they are protected by the shield of that long parental reign, procured by the private virtue of our aged, but now afflicted Monarch.—Fenced as they are in this way, by the recollection of His Majesty's virtues, (for they can never appear in public, without reminding the people of those virtues;) and protected or supported further by the almost unwieldy force which is committed into their hands, together with the splendour of a Court, which is exhibited with almost an eastern magnificence;—yet, with all this mighty force to overawe the mind, this patronage to influence, and this splendour to dazzle, you are gravely desired to dread a line or two in a Sunday Newspaper!—

[Want of room compels the omission of the remainder of Mr. Brougham's Speech, the Reply of Mr. Garrow, and the truly astonishing Charge of my Lord Ellenborough: they will be given at length next week.—His Lordship concluded an earnest address to the Jury, by telling them, that the writing in question was a foul, atrocious, and malignant libel. The Jury being asked, whether they were agreed in their verdict, the Foreman replied, "*all but one.*" They then retired for about a quarter of an hour, and on returning, the Foreman pronounced the defendant John Hunt, *guilty*. When he was asked as to the defendant Leigh Hunt, he hesitated, and looked at an individual of the Jury, but soon said, "Equally *guilty*."—The Hall, during the whole of the Trial, was much crowded. The passage to the Court was quite filled shortly after day-break; and a number of special constables were obliged to exert themselves rather boisterously to make room for the entry of the Judge and the Barristers. The doors of the Court were kept shut during the Trial, so that a number of Gentlemen, and some Ladies, who seemed equally anxious to get in, were excluded.]

IMPERIAL PARLIAMENT.

In the House of Lords, nothing of moment has occurred during the past week.

In the Commons, on Monday, Lord Castlereagh moved, "that 100,000*l.* should be vested in the hands of Trustees, to be laid out by the purchase of lands of that value, to be settled on Lord Wellington, his heirs and successors."—Sir F. Burdett made some observations on the propriety of remunerating his Lordship from the Droits of Admiralty, if remuneration was necessary: he spoke also of the late campaign in Spain, the defeat at Burgos, the retreat into Portugal, &c. &c. and thinking that there was not before the House sufficient means of judging the merits of Lord Wellington, he moved an amendment, "that the business should be deferred till after the holidays."—Mr. Robinson, Mr. Protheroe, Lord Cochrane, and Mr. Whitbread, all approved the original motion. Mr. W. conceived that the vote had nothing to do with the campaign in Spain, but merely referred to Lord Wellington's undoubted military services; he entirely approved of the proposed grant. The vote was then carried.

On Tuesday, a long conversation took place on the second reading of the Gold Coin Bill, for which there appeared, on a division, a majority of 110.

On Wednesday, Sir F. Burdett gave notice, that soon after the recess, it was his intention to move for leave to bring in a Bill, to secure the Regency to the Princess Charlotte of Wales, in the event of the demise of the Prince Regent.

On Thursday, Lord Folkstone brought forward his motion in the House of Commons, with respect to the Order issued from the Horse Guards in the month of August last, relative to the Officers of the German Legion having permanent rank.—Lord Palmerstone stated, that the Order was meant merely to imply that certain facilities should be given, or rather obstacles removed, to the

promotion of such Officers as had originally come into the German Legion as Colonels or Majors; and that *permanent* rank was merely nominal, without half-pay or any other advantage.—The motion was negatived.

On Friday the Gold Coin Bill was again considered, and further proceedings on it were postponed till Monday.

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

W. Hopwood, Westborne, Sussex, fell-monger.
J. Balfour, Basinghall street, Blackwell-hall-factor.
G. N. Hardey, Liverpool, merchant.
W. Thompson, Greenside, Yorkshire, whitesmith.
G. Blakely, Wood-street, warehouseman.
J. Chapman, Bath, carpenter.
R. Tosley, Gloucester, corn-dealer.
S. Wallers and T. Attwood, Oldswinsford, Worcestershire, anvil makers.
W. F. Patterson, Great Palteney-street, bill-broker.
R. Jones, Birmingham, shoemaker.
C. Cooper, Langley-hall, Warwickshire, coal-master.
J. Grant, Hatton-street, merchant.
C. Williams, St. Alban's, wine-merchant.
J. T. Barker, Dover, draper.
J. Allardice, Conduit-street, linen-draper.
W. H. Gall, Gutter-lane, silk-manufacturer.

LONDON GAZETTE EXTRAORDINARY,

TUESDAY, DEC. 8.

This Gazette contains two Dispatches from Lord Cathcart, dated from St. Petersburgh, Nov. 11 and 15: the latter is given entire: the former repeats the information already detailed in the Russian Bulletins, respecting the retreat of the French from Moscow, their defeat at Viasma, &c. &c. "In regard to the French army (says Lord Cathcart) it appears by the papers of a Commissary General, who was made prisoner, that they victualled 120,000 men, but that their efficient force was reduced to 85,000, at the period of the evacuation of Moscow, and that Bonaparte had contracted with a company of Jews for a supply of povisions in the line of his retreat. His guards and some select corps have been nursed with peculiar care, and kept as much as possible out of action, and these corps appear to have preceded the retreat of the remaining troops. It is reported that Bonaparte travels in a coach, accompanied by Murat, who has received a contusion in the knee, and Berthier. It is hardly to be conceived that this rear-guard at least can continue its march without halting, in which case, with the assistance of the light troops, the Russian army will be enabled to overtake them. They have before them the gallant and active Count Wittgenstein, whose character for zeal and enterprise is so well established, and they have also, on the Minsk road, to encounter Admiral Tchichagoff, with the Moldavian army, which it is to be hoped may have time and notice either to unite with Count Wittgenstein, to wait for them on the above-named road, or to move to either flank. Marshal Kutousoff has sent out, among others, a considerable detachment, which was at Elnee, nearer to Smolensk, under Lieut. Shepetoff, on the 1st of November, and which may have the means of interposing delay. Thus the fruits of the incursions of the French to Moscow, at the expence of the lives of so many brave officers and men, seem to have been limited to the burning and destruction of that city, and to the desolation of the inhabitants and proprietors near the great road, and in all the vicinity of Moscow; while, on the other hand, it will, to the latest period of history, reflect lustre on the spirit and patriotism of the Russian Empire."—His Lordship adds, that Count Wittgenstein had defeated Marshals St. Cyr and Victor, near Tchasnik, and had subsequently taken Witespk.—As far back as the 5th of October, Bonaparte sent a flag of true to the Russians, "with an overture to obtain an armistice and open a negociation; which was rejected."

St. Petersburgh, Nov. 15, 1812.

MY LORD,—I avail myself of the departure of a Spanish courier to acquaint your Lordship, that several officers arrived here in the course of last night, dispatched from the head-quarters of Marshal Kutousoff, at Elnee, on the 9th November. The Field Marshal reports, that the flight of the enemy continues with increased precipitation; and that the pursuit, by the several corps of the Russian army, has been constant, vigorous, and successful. A part only of the relation of the affairs which have taken place, has, as yet, been published; the remainder is in the press; the following are the most important particulars. On the 5th November, Gen. Millaradovitch reached a village forty wersts from Viasma, on the road to Smolensk, in pursuit of the enemy. Gen. Platow marched to the right of the road, to endeavour to reach the head of the column, while the main army moved on the left of it, under the Field Marshal, towards Elnee. Sir Robert Wilson describes the march on the main road as one which exhibited scenes of destruction without example in modern war, from the number of dead and dying men and carcases of horses, many of them cut up for food; peasants' houses every where on fire, ammunition carriages blowing up, and quantities of wreck of every description. It may be observed that the frost is set in, and is stated to have been from ten to fifteen degrees (Raumur:) The effect of famine, fatigue, and cold upon a flying army, through a country full of exasperated peasants, may be easily understood. In the course of this march the Cossacks took two standards from the Hulars of the Imperial Guards, who are left behind with the army now retreating, and the enemy also abandoned a howitzer. On the morning of the 7th November, Gen. Millaradovitch entered Dorogobugsh. The enemy attempted some resistance, but was driven from his advantageous position by the Russian chasseurs, with the loss of three hundred men taken prisoners, exclusive of the sick and wounded. In this attack, and on the preceding day, one howitzer and three guns were taken, and upwards of one hundred and forty ammunition waggons. The number killed at this place must have been very great, but I have not heard it estimated. Two Russian officers of note were re taken on this occasion. The enemy are stated to be in a state of much insubordination, and it was understood that their march is directed on Smolensk. On the 9th of November, Marshal Kutousoff had arrived at Elnee, where he received a report from General Platow, of his having overtaken four divisions of the French army, under the command of Beauharnois, upon the road from Dorogobugsh to Doughovtchistchina. That General states, that the Cossacks charged through this body, dividing it into two parts, with great slaughter and the capture of sixty-two pieces of ordnance, which was already brought in and counted, and some standards; many plans and papers of consequence, and upwards of 3000 prisoners, among which, as well as among the killed, are many officers of rank and distinction. —Part of the remains of this corps fled in the direction of Dorogobush, and the other part in the direction of Dougovtchistchina, closely pursued by the Cossacks and light cavalry. General Sanson, Quarter-Master General of the whole French army, was taken, with 500 men of different ranks, upon the right flank of General Platow, near Dougovtchistchina. Major-General Kutusoff, who has been entrusted with the command of the corps lately under the orders of General Winzingerode, had, by extraordinary forced marches, reached the main army with his cavalry.—An officer has been intercepted with letters from Beauharnois, which will be published to-morrow, and which will afford indelible proof of the state in which Bonaparte has left this part of his army. These letters are addressed to Berthier.—It does not appear that the march of the French guards, and of the 1st division, has been effected without great loss, many of their bodies having been found on the road. Field-Marshal Kutousoff intended to continue his march upon Krasnoy, two stages beyond Smolensk, leaving that town upon his right hand, and intersecting the communication towards Mohiloff. I have not heard that it is ascertained where Bonaparte himself was on the 6th of November. —The first bulletin, containing General Platow's report, is herewith inclosed. I have the honour &c. CATHCART.

[Here follow Prince Kutousoff's Report, and two intercepted letters, from the Viceroy of Italy to the Prince of Neufchatel, dated November 7 and 8, from which the following are extracts:]

"Your Highness will readily perceive, that, embarrassed by my heavy baggage, which has been replaced in my hands, and by a numerous artillery, of the horses attached to which, 400, without exaggeration, have died this day, my situation is critical enough."

"It is with pain that I feel myself under the necessity of acknowledging to you the sacrifices which we have made to accelerate our march. These last three days have cost us two-thirds of the artillery of this corps of the army. Yesterday about 400 horses died, and to-day, perhaps, double that number have perished, exclusive of the great number of horses which I have caused to be put on for the military baggage, and that of individuals. Whole trains of horses have perished in the harness at once. Many of them have been even three times renewed."

"This night I send a strong reconnoissance upon Douchoutchina, where I hope to be to-morrow, should the enemy not oppose to me a serious resistance; for I must not conceal from your Highness, that these three days of suffering have so dispirited the soldier, that I believe him at this moment very little capable of making any effort. Numbers of men are dead of hunger or cold, and others, in despair, have suffered themselves to be taken by the enemy."

SATURDAY'S LONDON GAZETTE.

Downing-street, December 12, 1812.

A dispatch, of which the following is an extract, has been this day received by Earl Bathurst, from General the Marquis of Wellington, dated Frenada, 25th November 1812:—

The greater part of the enemy's force which had crossed the Tormes have retired across that river; and, it is reported, have directed their march towards the Douro. A part of the troops which had moved to the Huelva, returned towards Salamanca; and others which had advanced to Tamames returned towards the Tormes by Escorial towards Los Santos. Many men who were missing have joined their regiments.

BANKRUPTS.

S. Morris, Taunton, Somersetshire, builder.
T. Capes, East Retford, Nottinghamshire, money-scrivener.
M. Smith, Millbank-street, Westminster, victualler.
J. Taylor, Cheapside, draper.
S. Meeds, Stickney, Lincolnshire, miller.
G. Furnace, Newcastle-upon-Tyne, grocer.
J. Rutherford, Newcastle-upon-Tyne, ship-owner.
J. Jenks, Bilston, Staffordshire, currier.
J. P. Forster, Liverpool, liquor-merchant.
G. Palfreyman, Cragg-Works, Chester, calico-printer.
J. Helliwell, Elland, Yorkshire, woollen-manufacturer.
R. Moye, Sloane-street, Chelsea, carpenter.
J. Vaissiere, Sun-street, Bishopsgate-street, currier.
M. Blundell and Co. Holborn-bridge, wholesale drapers.
A. Van Wageninge, J. Zink, J. G. Van Weede, and P. Van Der An, Globe-road, Mile-end, verdigris-manufacturers.
R. Blanshard, Aldenham, Herts, dealer and chapman.
J. Paste, Gray's-Inn-lane, stable-keeper.
T. Basdell, Addlestone, Surrey, farrier.
W. Gummer and J. Randall, Newington, Surrey, plumbers.
W. Hopkins, Swansea, Glamorgan, shopkeeper.
D. Dalby, Leeds, drysalter.
T. Webb, jun. Longford, Wilts, miller.
J. Isbister, Bond-court, Walbrook, London, merchant.
W. Camps, Worcester-place, Upper Thames-street, stationer.
H. Hart, Portsmouth, navy-agent.
M. Knight, Prospect-place, St. George's, Middlesex, victualler.
G. Yates, Gloucester, innkeeper.
T. Barker, Heckmondwicke, York, and J. Barker, Bread-street, London, carpet-manufacturers.
W. Cole, Whitcombe-street, Leicester-square, music-dealer.
J. Poole and T. Gray, Whitehaven, linen-drapers.

PRICE OF STOCKS ON SATURDAY.

Consols.....61⅞ Red. Ann.....59¼

Z. is inadmissible.

The Reply to the Writers on the subject of the unjust Surcharge of Mr. WEDDALL, shall appear as soon as possible.

THE EXAMINER.

LONDON, DEC. 13.

THERE have been of late plenty of documents for the speculations of the coffee-house politicians: we have had French and Russian bulletins, intercepted letters, an Extraordinary Gazette, and an abstract of the operations of KUTUSOFF from the 9th to the 13th November. It is impossible, however, as we have often stated, to place any reliance on papers of this description. CÆSAR himself, with all his magnanimity, is grievously suspected of concealing the truth now and then in his Commentaries; and modern generals appear to have studied him with still more success in this point than in others. It is notorious, all over the world, that bulletins are only so many half statements, which represent circumstances in a light as favourable as possible to the party that make them: thus, if a Russian army gain 10,000 men, the Russian bulletin makes a point of acquiring 15 or 20,000; if a French army lose ten thousand men, the French bulletin saves at least two thirds the number, and persuades us that to lose more than 3 or 4000 would have been impossible. Intercepted letters are still more suspicious manuscripts, and indeed are such common place forgeries, as in Spain for instance, that they will become a mere joke and bye word if armies do not take care:—every General, who is in an embarrassing situation, is sure to write them, particularly if the roads are so occupied and in such a condition that it is no use to send off a messenger; we shall have one, some day or other, describing the utter want of necessaries on the part of the writer, even to pen, ink, and paper. As to an abstract account of operations from the acknowledged hand of Prince KUTUSOFF, we beg to speak of it with a little more respect; but though the Prince has shewn himself an able officer, it must not be forgotten that he had the original hand in the first celebrated dispatch of my Lord CATHCART, which represented the enemy as defeated, in opening themselves an entrance to Moscow.

The only safe way, on all such occasions, is to look, firstly, at the common probabilities of things; secondly, at both the Bulletins together; thirdly and chiefly, at the dates of the places which are actually in possession of the respective parties. Considering the documents above-mentioned in this manner, it is manifest that there are gross exaggerations on both sides. To trust, for instance, to the Russians alone, they are getting nothing but victories, cutting up thousands a day, and leaving the French

not a loophole of escape; and yet it appears that they are obliged to travel over a tolerable quantity of ground after their exhausted enemies, and that up to the 6th of November, they absolutely knew nothing of the route of Bonaparte himself! On the other hand, to trust to the French alone, they are pushing their retreat with all the ease in the world, making no more of the Cossacks who haunt them than of so many gnats, and having the cheerfullest of all soldiers, the finest of all weathers, and the healthiest and most nonchalant of all Emperors in misfortune; yet they are clearly in an alarming situation and at a desperate time of the year, 2,000 of their men lay down their arms at once, and instead of having ostentatious proclamations from BONAPARTE dated at this place and at that, we cannot even ascertain where he is.

The plain truth seems to be, that the Russians cannot bring the retreaters into any great or decisive scrape, but that the latter still have the worst of it, and are indeed in a situation, poor wretches, to make them feel the difference between fighting the battles of liberty in a congenial climate, and taking part in a quarrel between two despotisms under a northern sky. As the Russians, however, display no new instances of military greatness, and the present reverse of the French has evidently arisen from the burning of Moscow, the probabilities arising from superior skill appear to be still in favour of Bonaparte, and we still expect, we confess, to see him in a condition to wait and pursue his conquest. The reports of his death, his insanity, &c. &c. naturally arise out of his situation, and we doubt much whether a final period to his existence would be of such benefit to the world as a good diminution of his powers of injury. He has many things besides military skill, which are not possessed by his rival Monarchs; he has talents to assist the progress of society and knowledge, and possibly might be induced to put them to better purpose, if the means of his military ambition were more contracted. We are very far, at the same time, from being sanguine on that head, and are not sure that adversity of any sort would be of more service to him than to sullen spirits in general. We hope, however, at any rate, that he will be taught at last to feel a little of what he is daily and hourly inflicting on mankind, and will learn what it is to "taste of pain:"—we should not care if the infliction was of the most vulgar sort, especially as he has never had it before, and ought in conscience to know what it is. A good honest gash in the thigh, an instructive fracture or two in the arm or shin-bone, an exemplary dislocation of knee-pan, would give a little useful addition to his experience; and by way of comment upon the text, so as to make him thoroughly understand it, two or three hasty dressings in the field by a frightened surgeon might complete the lesson, particularly if performed in a freezing air, and under the necessity of suddenly decamping on a jolting cart.

GOVERNMENT BULLETIN.

"Government this morning received accounts from Stockholm of the 30th November. There were no further dspatches from Lord CATHCART at Gottenburgh when the packet came away, but intelligence had reached Stockholm from Petersburgh of the 20th ult.—On the 12th November, KOTOUSOFF had his head-quarters at Lobcovo, 40 versts from Elna.—PLATOW, at the passage of the Dnieper, had taken 900 men and several pieces of cannon. General AUGEREAU, the brother of the Marshal, with 2000 men, laid down their arms, and surrendered upon the condition of keeping their baggage. Sixty Officers were among the prisoners.—VICTOR made an attack upon WITTGENSTEIN and TCHITSCHAGOFF, who had joined, but was defeated with great loss.—WITTGENSTEIN and TCHITSCHAGOFF were near Orsha.—No news where BONAPARTE is. About 6 or 7000 more men have been taken since the last accounts."—*Dec.* 10, 1812.

A letter dated Warsaw, Nov. 14, says, "An officer who left Smolensk, as a courier, in the evening of the 8th, set out at the moment the Emperor was entering with his head-quarters. He had an opportunity of seeing his Majesty, and assuring himself that he never was better.—The army was also in the most satisfactory state. The season favoured the marches. They are made without any serious annoyance on the part of the enemy, who, at first, announced an intention of troubling that movement: but two or three vigorous receptions, similar to the battle of Maloyarovitz, in which he greatly suffered, quickly disinclined him from all attempts.—They talked seriously of going into winter-quarters, and, in truth, they cannot defer them. The weather becomes rigorous at this season of the year; it is even astonishing that the strong frosts have not already commenced. The furs with which the soldiers are covered present a singular appearance. They have made use of every thing of that kind which they could find, without the greater part of the skins having received the least preparation. We have to-day received accounts of the Saxon corps; it marched upon Slonim, whilst Prince Schwartzenberg marched upon Royana. On the 10th the Austrian head-quarters were in Zelva. These two united corps follow Tchitschakoff, who retreats upon Slonim and Nickvietz, and runs a risk of shortly being enclosed between the Austrians, Saxons, and the Grand Army."

Dispatches were yesterday morning received from Marquis WELLINGTON, dated Fuente Guinaldo, on the 26th ult. The Allied Army occupied precisely the same positions, and the enemy had made no movement since the date of the last dispatches.

Lieutenant-Colonel BROWN, a Gentleman who landed on Thursday evening at Dover from Dieppe, is first *Aide-de-Camp* to the King of Saxony. He is merely come over to take possession of a considerable estate, to which he has succeeded by the death of his brother.—Paris Papers of the 5th had been received at Dieppe; they contain no fresh Bulletin, but merely an unofficial paragraph from Smolensko, stating, that the army was retreating in the best order.

Some of the Papers, last week, had a grand hit at BONAPARTE. They had found out the day and hour and mode of his death, and they killed him "in good set

terms." On the 19th he was slain in a desperate attempt to escape, and pierced through the body in nineteen places and a half by the pikes of the Cossacks!!!

In the Court of King's Bench, last week, 40*l.* damages were obtained, by the Widow of the late Capt. Shrubsole, against Mr. Gossold, the Vegetable Balsam proprietor, for a breach of promise of marriage. The lady was 30 years of age, the gentleman 50. Various silly letters were read in Court.—A verdict was given against Lord Semphill, who had seduced the wife of Mr. Dundas, a Writer to the Signet. It appeared in evidence that this gentleman was possessed of property in Sweden, and to which country his occasions frequently called him. He had formerly taken his wife with him; but on the occasion in question he left her, with a request that she would stay at Wickham with her sister, the wife of Sir Howard Douglas. She left this residence, however, and took up her abode at Morland's Hotel, where the defendant also was. Mrs. Dundas was now living with the defendant in lodgings. After a few weeks absence, the plaintiff returned home, and put up at the very hotel where his wife and the defendant were. The evidence being decisive, the Jury found their verdict for the plaintiff, damages 4,000*l.* which was only 1,000*l.* less than they were laid at.

Tuesday morning early, a respectable looking man was discovered murdered, lying in a field at Islington, not far distant from Sadler's Wells. His pockets were turned inside out, from which it is inferred he must have been robbed by some villains, and afterwards murdered. This mysterious circumstance is undergoing a very serious inquiry. The body was conveyed to the Woolpack Tavern, near the spot.

A barbarous robbery was committed a few evenings since, on the person of a young gentleman, a chemist. He was passing along Grosvenor-street, Pimlico, when he was suddenly struck down by a blow, which rendered him senseless; and the gang, after robbing him of his watch and money, dragged him to Belgrave-place, where they stripped him to the shirt, and he was found in that state by a patrole.

A most distressing scene was lately witnessed at No. 9, Pelham-street, Spitalfields. The officers of the parish of Mile-end New town, distrained the goods of a poor industrious coal heaver of the name of John Jennings, who has lately been out of work, and did not even leave him and his family a bed to lie upon. The wife of this poor man has had twenty children, six of them twins, and to complete his affliction, one of his sons, now seventeen years of age, is deaf and dumb, and unable to do any thing to get his bread.

ON A LATE LEARNED ADDRESS.

[FROM A CORRESPONDENT.]

Omnia fanda, nefanda, mala permista furore.

How has the varying tide of times
Of all things chang'd the station,
Reform'd of errors, faults, and crimes,
Their guilt and their gradation!

For Justice now resolv'd indignant
Libel's career to shorten,
Deems that "*atrocious and malignant*,"
Adultery but "*misfortune*."

How wrong have our Commandments rhid,
How falsely still reproach us,
To be *unfortunate* forbid,
But not to be *atrocious*.

The Thermometrical Cold (in Lord Catheart's dispatch) of the Frost being at 10 to 15 degrees of Reaumur, must of course mean *below* the freezing point; and that, so early in the winter, is prodigious, for that is equivalent to 27 and 37, below freezing, upon Fahrenheit's scale. That degree would be nearly, though not quite, the extremity of cold ever felt in England.

MISTAKE RESPECTING LORD ELLENBOROUGH.

TO THE EDITOR OF THE MORNING CHRONICLE.

Monday, Dec. 7, 1812.

Sir,—I have already experienced your politeness on an occasion when I was under the necessity of vindicating myself from the mistake of others: I have now to request its indulgence in allowing me to plead guilty to one of my own; and I am the more anxious to anticipate its confession in next Sunday's *Examiner*, inasmuch as the trial of that paper comes on in a day or two; and I shall also be more certain of proportioning the reach of the contradiction to the circulation of what has escaped me.

In the last number of the *Examiner*, two great objections were made to the public and private character, or to speak more correctly, to the political and personal *temperament* of the present Lord Chief Justice; and one of them was erroneously directed to his acceptance of a seat in the Privy Council.—Sir, I ought to have said, a seat in a late *Cabinet*; and if I had reflected a little, I should have said so, whatever I might still have thought and have said of his Lordship's seat in the Council; for it becomes me to confess, that on *that* point I should still have been mistaken. On the former I wanted immediate recollection only; on the latter, from a longer forgetfulness, I had become deficient in information. His Lordship's predecessors have been in the Privy Council, and the illustrious Judge Holt among them; but the theoretical delicacy of the Constitution, in matters between the Crown and the People, helped to flatter me in my ignorance; and I had concluded, that a rank which brings the possessor into such close and tempting contact with power, was really out of the sphere of a state umpire. I blush, Sir, for my ignorance; and I should feel doubly mortified, did not I know that those large and well-informed spirits, before whom I am the quickest to blush for it, will be the readiest to pardon it on acknowledgment.

With respect to the Noble and Learned Lord himself, the mistake was little more than one word for another; and to him, therefore, no apology can be necessary; only I should not chuse that his Lordship or any one else should have seen my blunder without its contradiction, since the love of truth is best proved by the confession of error; and when ignorance creeps into a remonstrance, it may make that look like mere insolence, which upon better inquiry shall turn out to be just feeling. Whatever may have been thought by his Lordship, or others, of my objections to his general fitness for a public and dispassionate umpire (and you, Sir, among others may differ with me on that subject,) the *spirit* of them remains in full force, and is not to be answered, I think, but by shewing that he has never been too ambitious for the singleness of his office nor too warm for its temper and dignity.—I am, Sir, your obliged humble Servant, THE EDITOR OF THE EXAMINER.

BIRTHS.

At Chatham-place, Blackfriars, the Lady of Henry Budd, Esq. of a son.

MARRIAGES.

On Wednesday, the 11th November, Joseph Nightingale, Esq. of Oxford-street, to Miss Ann Neish, niece of George Neish, Esq. of Park-street, Grosvenor-square.

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